IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL REVISION APPLICATION NO.305 OF 2005

Office Notes, Office Memoranda of Coram appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders

Mr.A.Y.Sakhare i/by M/s.YKS Legal for the applicant.

Mr.Vijay Kiledar for Respondent No.1

Mr.P.S.Hingorani APP for the State.

Coram : R.S.Mohite,J

Date : 3.2.2006.

PC

1. This is a revision impugning an order dated 18.8.2005 passed by the Addl. Sessions Judge, Jaysingpur, in revision application no.7 of 2003. By the impugned judgment and order, the revision has been allowed and the order passed by the Magistrate on 7.10.2003 in RCC no.479/2002 issuing process against accused no.2 for an offence punishable under Sections 499 & 500 r/w 34 of IPC, has been set aside. I have perused the record. The allegation against the present respondent no.1 who is an Advocate was that he was responsible for

defamatory averment made in the reply filed in civil proceedings which were pending on the question of grant of injunction. On perusal of the said reply, I find that the same was signed by accused no.1. There is also a verification clause by accused no.1 there-under to the effect that averment made in the reply was based upon his personal knowledge and understanding and were true. The Advocate has only signed the reply by way of identification. One of the grounds is that the Advocate cannot be said to have made the defamatory statement and Advocate normally acts only on instructions. I find that the reasoning of the revisional Court is just & proper. In the circumstances, not a fit case to interfere particularly when the process has been confirmed as against original accused no.1. Hence, revision application is rejected.

(R.S.Mohite,J)